

10-04-01

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NUMBER: EL917070795US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service, postage prepaid, under 37 CFR 1.10 on the date indicated below and is address to: Assistant Commissioner of Patents, Washington, D.C. 20231.

Diane C Petts

10-3-01
Date

jc996 U.S. PTO
09/970452

10/03/01

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53

DOCKET NUMBER	PRIOR APPLICATION EXAMINER	PRIOR ART UNIT
SURG:159	Unknown	Unknown

Address to:

Box Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53, of pending prior application Serial Number 09/947,869 filed on September 6, 2001 entitled "SYSTEMS AND METHODS FOR RESOURCE MANAGEMENT IN INFORMATION STORAGE ENVIRONMENTS".

Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application serial number 09/947,869, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27

☐ is enclosed.

☒ was filed in prior application number 09/947,869 and such status is still proper and desired (37 CFR 1.28(a))

3. ☐ The Commissioner is hereby authorized to charge any deficient fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. _____.

4. ☒ The inventor(s) of the invention being claimed in this application is/are:

**Chaoxin C. Qiu, Umesh Gupta, Scott C. Johnson, Sarma Kolavasi, Theodore S. Webb,
Richard W. Yu and Mark J. Conrad**

5. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

6. ☐ Amend the specification by inserting before the first line the sentence:

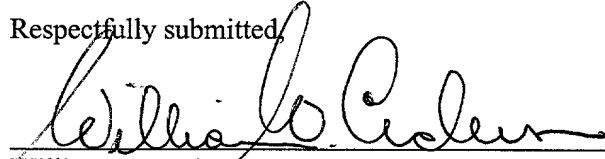
"This application is a ☐ continuation ☐ division of co-pending application number _____, filed September 6, 2001."

7. ☐ New formal drawings are enclosed.

8. ☐ Priority of foreign application number _____, filed on _____ in _____.
- ☐ The certified copy has been filed in prior application number ____/_____, filed _____ is claimed under 35 U.S.C. 119>(a) - (d)<.
9. ☒ A preliminary amendment is enclosed.
10. ☒ Please enter the preliminary amendment before calculating the filing fee.
11. ☐ A check in the amount of _____ is enclosed.
12. ☒ The prior application is assigned of record to SURGIENT NETWORKS, INC.
13. ☒ The power of attorney in the prior application is to O'Keefe, Egan & Peterman, LLP
- a. ☒ The powers of attorney appear in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: William W. Enders
O'KEEFE, EGAN & PETERMAN
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, TX 78746
14. ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (Non-Publication Request Form)
15. ☒ Also enclosed: Postcard.
16. ☐ In accordance with 37 CFR 1.136(a)(3), the Commissioner is authorized to treat any concurrent or future reply that requires a petition for an extension of time under 37 CFR 1.126(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time, and the Commissioner is authorized to deduct any requisite fees under 37 CFR 1.16 to 1.21 from Deposit Account No. _____.

17. ☒ Applicant respectfully requests that the Information Disclosure Statement(s) in the prior application be made of record in this application, and that all references cited in the Information Disclosure Statement(s) be made of record, and further that all information in the Information Disclosure Statement(s) and references cited therein be considered by the Office during examination of this application.

Respectfully submitted,



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Registration No. 41,735
Attorney for Applicant

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